



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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February 15, 2018

BY ECF

Honorable Steven L. Tiscione
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Hector Cordero v. City of New York, et al. 15 CV 3436 (JBW) (CLP)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and one of the attorneys assigned to represent defendants in the above-referenced matter. I write pursuant to the Court's February 8, 2018 Order to propose questions for the Court to ask prospective jurors during voir dire. Defendants' proposed questions are as follows:

1. The plaintiff in this case is Hector Cordero. Is anyone acquainted with the plaintiff?
2. The defendants in this case are Hugo Hugasian, Christopher Moran, Peter Rubin and John Essig. Is anyone acquainted with the defendants?
3. Plaintiff is represented by Gabriel Harvis and Baree Fett from the law firm of Harvis & Fett LLP; and the defendants are represented by Brian Francolla, Phillip DePaul and Amatullah Booth from the Office of the Corporation Counsel of the City of New York. Has anyone heard of counsel for the plaintiff or defendants?

4. Do you know any of the following people (witnesses or people who may be mentioned throughout the trial)?

- Fausto Tineo
- Jacob Polanco Pichardo
- Lynette Reyes
- Paul Palminteri
- Raul Narea
- Marco Artale
- Matthew Ninos

5. Have you or any members of your family or any of your close friends worked for the New York City Police Department or law enforcement? If so, what positions were held and when?

6. Do you have any bias against the NYPD?

7. Have you formed an opinion about the NYPD or any other law enforcement agency? If so, please explain.

8. Have you or has any member of your family or any close friend ever had any contact or interaction with the NYPD? If yes, please describe.

9. Have you been arrested? [May be discussed in private]

10. You may have heard or read about recent unrelated incidents involving the police that have been in the news. These situations have absolutely nothing to do with this case or the individuals involved in this case. To the extent you have any feelings about any unrelated incidents involving the police, either positive or negative, will you be able to set those feelings aside and render a verdict in this case based solely on the evidence?

11. If you are selected as a juror in this case, you will be required to decide the case solely on the evidence introduced and the instructions that the judge will give you

concerning the law, whether you agree with the law or not. Is there any reason why you could not do that?

12. Have you or any member of your household attended any protests in the last six months? If so, please explain at sidebar outside the presence of the other prospective jurors.

13. Have you or a family member or close friend ever made a complaint about a police officer or other law enforcement officer? If so, please describe the complaint outside the presence of the other potential jurors.

14. Have you or has any member of your family or any close friend ever been the victim of a crime? If so, please describe the circumstances.

15. Have you or any member of your household or any close friend ever been stopped and/or questioned by a police officer? If so, what were your feelings about that?

16. Do you have any reason to believe that anything in your life experience would tend to make you partial to one side or the other in this case?

17. Have you ever been to the address or vicinity of 42 Irving Ave, Brooklyn, New York 11237? If so, have you ever been inside the J and C Minimarket which is located at that address?

18. Do you believe that the fact that the plaintiff started this lawsuit and is here today for trial means that there must be at least some merit to the plaintiff's allegations?

19. Do you know of any reason why you think that you could not render an impartial verdict in this case?

Thank you for your consideration.

Respectfully submitted,

/s/

Brian Francolla
Senior Counsel
Special Federal Litigation Division

cc: Gabriel Harvis, Esq. (by ECF)
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